

# UST TRUSTEE'S PRESUMPTION OF ABUSE

## 11 U.S.C. §704

- **New UST Trustee Filing Requirement:**

The Trustee shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under §707(b), and not later than 5 days after receiving the statement, the court shall provide a copy of the statement to all creditors.

## **New U.S. Trustee Events:**

- Statement and Notice of Presumed Abuse
  - UST Statement of No Determination of Presumed Abuse
  - UST Statement of No Means Testing Documents Filed
  - UST's Motion Declining Dismissal of Case Under §521(i)(4)
  - UST Statement of Change of Presumed Abuse
- Some of these events will be text only events.**

# Other New Related Event

- Debtor's Rebuttal of Presumption of Abuse  
(under Other)

# Amended Interim Federal Rule, New Case Flag and Clerk's Notice

- Interim Federal Rule 2002(f)(10) – requires the clerk to give the debtor, all creditors and trustees notice by mail of: **a statement under §704(b)(1)** as to whether the debtor's case would be presumed to be an abuse under §707(b).
- **§707(b) Public Flag**, will stop entry of discharge
- A new Notice will automatically be generated in CM/ECF upon the UST's filing of the Statement of Presumed Abuse event and mailed to all creditors.